

SENATE BILL 909

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 8 and
Title 50, relative to government employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by
adding the following as a new section:

(a) As used in this section:

(1) "Appointing authority" means a commissioner, department, officer, or
agency of state or local government having the power to make appointments to,
and separation from, positions in the service of the state or local government,
including an agent acting under the supervision of an appointing authority; and

(2) "Government employee" or "employee" means a person who is
employed by a state or local governmental entity.

(b) Except as provided in this section, if a government employee misses a work
day due to illness, the appointing authority of the employee shall not trespass on or enter
the private property or residence of the employee for the purpose of confirming that the
employee is ill.

(c)

(1) An appointing authority may request that a government employee,
after the employee's probationary period has expired, if any, to voluntarily
execute a written consent agreement authorizing the appointing authority to enter
the private property or residence of the employee for the purpose of confirming
that the employee is ill.

(2) The appointing authority shall not induce a government employee to sign a consent agreement through coercion, duress, or pressure, or by threatening to withhold salary, benefits, entitlements, or other privileges to which the employee is entitled by virtue of the employee's position.

(3) If an appointing authority requests a government employee to voluntarily execute the consent agreement, then this request must be the policy of the appointing authority for all employees under the appointing authority's supervision.

(4) If an appointing authority enters a government employee's private property or residence:

(A) Upon an executed consent agreement, the appointing authority may only do so during normal business hours and must attempt to contact and give notice to the employee not less than one (1) hour prior to entering the premises.

(B) Notwithstanding another law to the contrary, and regardless of whether the employee consents, the appointing authority assumes full liability for damage to person or property as the proximate result of the appointing authority's failure to exercise reasonable care while on the employee's premises or at the employee's residence.

(d) A consent agreement executed:

(1) Voluntarily and in good faith expires on December 31 of the year in which the consent was executed and must be renewed annually; and

(2) Against the government employee's will or otherwise under coercion, duress, or pressure or otherwise in violation of subdivision (c)(2) is against public policy and therefore void.

(e) An appointing authority that enters the private property or residence of a government employee without a valid, written consent executed in accordance with this section commits criminal trespass in violation of § 39-14-405.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.